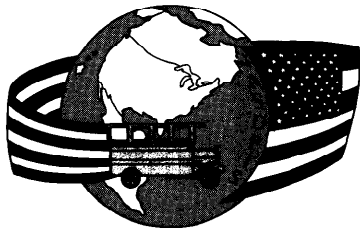


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NATIONAL ASSOCIATION OF STATE DIRECTORS OF PUPIL TRANSPORTATION SERVICES

October 4, 2001

Docket Management Facility
Docket No. FMCSA-2001-9709
U.S. Department of Transportation
Room PL-401
400 Seventh Street, SW
Washington, DC 20590

OCT 10 AM 11:40
DEPT OF TRANSPORTATION

Reference: Docket No. FMCSA 2001-9709-25

The National Association of State Directors of Pupil Transportation Services was founded in 1968, and represents a cross section of individuals and organizations involved in the safe transportation of school children. As the association's name indicates, individuals with the primary responsibility for school transportation in each state are members. In addition, school bus manufacturers, many equipment suppliers to the school bus industry or the school bus aftermarket, school transportation contractors, and a number of state associations whose members include school transportation officials, drivers, trainers, and mechanics also are members of affiliated councils within the association. Based on this diversity in membership, we believe that the State Directors Association provides a unique perspective on pupil transportation issues and speaks for a large segment of the "pupil transportation industry."

The State Directors Association appreciates the opportunity to comment on the referenced Notice of Proposed Rulemaking (NPRM) concerning the establishment of a School Bus Endorsement under the Commercial Driver's License (CDL) Program, and offers the following comments to the Federal Motor Carrier Safety Administration:

1. The State Directors Association believes the proposed knowledge testing to obtain a school bus endorsement under the CDL program has the potential to enhance the proficiency of school bus drivers, since it will require school bus drivers to possess specific knowledge in areas directly related to pupil safety. Specifically, the State Directors Association agrees that the following items are unique to school bus operations, and that school bus drivers must be knowledgeable about dealing with each:
 - Loading and unloading of student passengers, including the safe operation of stop signal arms required by Federal Motor Vehicle Safety Standard (FMVSS) No. 131 and the warning lamps required by FMVSS No. 108;

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- Monitoring the location of student passengers during loading and unloading operations using all available safety devices, including the external mirrors required by FMVSS No. 111 and other devices that may be required by states or local school districts, as well as visual monitoring techniques;
 - Emergency exits and procedures for safely evacuating passengers in an emergency; and
 - Laws and regulations concerning railroad grade crossing safety.
2. The State Directors Association also believes the proposed skills testing has potential benefits, since it will require an applicant to pass a driving skills test in a school bus of the same type that the applicant would drive.
 3. While the above two items provide potential benefits, the NPRM as written does not address the major reason the school transportation industry believes there is a need for a school bus endorsement. As first noted in hearings before Senator Mike DeWine (R-Ohio) in April 1996, the school transportation industry is unique in that states typically provide, at public expense, the necessary training and testing to school bus driver applicants in order that they can obtain a CDL.

After obtaining a CDL at public expense, many applicants never drive a school bus. Instead, they use the CDL to get a job driving other types of buses or get the necessary endorsements to drive commercial trucks. The net result of this process is a waste of public funds and a shortage of school bus drivers.

As proposed, the school bus endorsement would not solve the current problem, since a school bus driver applicant would first have to obtain a "P" endorsement and then a "SB" endorsement. In order to address the core problem, the State Directors Association believes the "SB" endorsement should be a "stand alone" endorsement. This would provide a tangible benefit to the proposed endorsement, rather than just additional administrative requirements on states to issue train, test and issue "SB" endorsements.

In other words, after passing the knowledge test and the skills test in a school bus, the applicant would receive only a "SB" endorsement on his/her CDL. If the applicant subsequently wished to be qualified to drive other types of buses or commercial trucks, he/she would have to take additional knowledge tests and skills tests on those types of vehicles.

In April 1997, a year after the hearings held by Senator Mike DeWine, the Federal Highway Administration, Office of Motor Carrier Research and Standards, and the school transportation industry released a paper titled, "Issues Concerning Commercial Driver Licensing for School Bus Drivers" (copy enclosed). The State Directors Association, along with the National Association for Pupil Transportation and the National School Transportation Association represented the school transportation industry. That paper

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discussed a number of practical solutions to the knowledge and testing requirements for school bus drivers and means by which states could issue a CDL that was restricted to school buses only.

Efforts to include more school bus-specific training information in the Model CDL Driver's Manual are underway through the American Association of Motor Vehicle Administrator's Test Maintenance Subcommittee (TMC). Additionally, more school bus-specific questions will be included in the pool of questions used for the knowledge test. The school transportation industry is working with the TMC on these activities.

The April 1997 paper also described provisions in the existing federal CDL program that allows states to develop training and testing programs for prospective school bus drivers that would exempt them from training in areas unrelated to school bus operations, such as hazardous materials and cargo hauling. In such instances, the prospective school bus driver would receive a CDL that would allow them to only drive a school bus. The license would be classified as a "Restricted 'B' License with a 'P' Endorsement Limited to School Buses Only." Several states, including Illinois, Connecticut and South Carolina, have received approval from the federal government to implement a CDL licensing program that restricts drivers with those licenses to drive only school buses.

4. While objecting to the proposal of first having to obtain a "P" endorsement before getting an "SB" endorsement (see comments in item #3 above), the State Directors Association agrees with the "grandfathering" concept proposed in the NPRM. This would allow states to waive the skills test for any applicant that is currently licensed to drive a school bus and who has experience and a good driving record. The proposed list of requirements in the NPRM appears reasonable and practicable.
5. The State Directors Association believes that all school bus drivers should be covered by the proposed regulation, as adjusted by our comments in item 3 above, not just those that drive school buses with a capacity of 16 occupants, including the driver. Accordingly, the State Directors Association believes the proposed definition of "school bus" should be changed to reflect consistency with the definition of a school bus under the safety standards promulgated by the National Highway Traffic Safety Administration. The definition of a "school bus" at 49 CFR Part 571 covers vehicles with a capacity of more than 10, including the driver, that are used to transport children to and from school and school-related activities.

If you have any questions or would like further discussion, please contact Charles Gauthier, the association's Executive Director, at 703-734-1620.

Sincerely,



Pete Baxter
President

Enclosure

Federal Highway Administration, Office of Motor Carrier Research and Standards

and

The School Transportation Industry, as represented by:

National School Transportation Association (NSTA)

National Association for Pupil Transportation (NAPT)

National Association of State Directors of Pupil Transportation Services (NASDPTS)

Issues Concerning Commercial Driver Licensing for School Bus Drivers

Since April 1996, the above listed organizations have been working together to see if there was a practicable way to increase the applicability of the training and testing required under the Commercial Driver License (CDL) program to school bus operations. Many people believe that a portion of the knowledge and training required to obtain a CDL is not relevant to school bus operations.

Additionally, some of the training and testing materials that apply to commercial passenger operations are not appropriate for school bus operations. The goal of the work during the past year has been to develop practical solutions to the above issues.

The Federal Highway Administration (FHWA) is committed to reducing commercial motor vehicle crashes and resulting injuries and fatalities; and to promote technological and operational advances which support a safe, efficient, and economical transportation system. FHWA and the American Association of Motor Vehicle Administrators (AAMVA), which has been FHWA's partner in developing and maintaining the CDL Program, have worked hard to ensure that all parts of the commercial vehicle industry are represented and served by the CDL Program.

All motor vehicle safety experts agree that school buses are one of the safest modes of highway transportation. This is especially gratifying since school buses carry the Nation's most precious cargo - our children. FHWA and the school transportation industry realize that safety initiatives, especially those dealing with pupil transportation, cannot be static efforts, they must be dynamic in nature. Accordingly, in the short-term FHWA and AAMVA recommended that AAMVA's Test Maintenance Subcommittee, in cooperation with FHWA, NSTA, NAPT, and NASDPTS:

- Develop additional material on school transportation safety for inclusion in AAMVA's Model CDL Driver's Manual; and
- Develop additional knowledge test items for inclusion in the pool of questions used for the existing passenger endorsement knowledge test.

FHWA believes that both of these efforts can and should be done within the regular revision cycle of AAMVA's Test Maintenance Subcommittee, and that they will:

- Be relatively easy to implement because of the existing maintenance process; and
- Require no additional Federal or state legislation or rulemaking.

NSTA, NAPT, and NASDPTS agree with FHWA on these short-term actions to increase the amount of training material in the Model CDL Driver's Manual and the number of questions in the CDL pool of questions. To that end, the associations have collectively supplied suggested topic areas, questions and answers, and training materials to FHWA for its use.

In addition to improving the CDL training and testing materials available at the Federal level, the three national school transportation associations believe that there should be a provision at the state level which would provide for a CDL endorsement that would be unique to school buses. Although there are no provisions in the Federal CDL program for a unique school bus endorsement, it is possible for individual states to develop CDL training and testing programs such that potential school bus drivers would be exempted from training and testing in areas unrelated to school bus operations, such as hazardous materials and cargo hauling. In such instances, these prospective school bus drivers would receive a CDL license that would allow them to only drive school buses. The license would be classified as a "Restricted 'B' License with a 'P' Endorsement Limited to School Buses Only." If a particular driver also wanted to drive a charter bus or commercial truck, that driver would have to take and pass the appropriate CDL test(s) to obtain an unrestricted license, with or without a "P" endorsement.

Currently, one state has implemented a CDL licensing program that would restrict drivers with those licenses to only drive school buses. Under the CDL Program, states have the discretion to develop and implement such restrictive licenses. However, each state must seek FHWA approval for such restrictive licensing. FHWA will approve the use of such restrictive licenses so long as the training and test questions used to issue the restrictive license continue to meet the minimum requirements of the CDL Program. If a state wishes to include additional training and/or testing in a school bus driver training program that is conducted outside the scope of the CDL program, it is free to do so.

NSTA, NAPT, and NASDPTS believe that it is in the individual states' best interest to develop restrictive licenses for school bus drivers. Such programs will help ensure that prospective school bus drivers that are trained and tested by the school transportation industry will stay employed in the school transportation industry and be better drivers. Accordingly, the three national school transportation associations encourage states to develop a restricted CDL license that would allow drivers to only drive school buses and to obtain FHWA approval for such a program. NSTA, NAPT, NASDPTS, and FHWA will work together to ensure that a simplified and efficient system is established to help states develop a restricted CDL licensing program and get FHWA approval.